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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,590	05/31/2001	Alok K. Srivastava	260/012	2628
23639	7590	08/08/2005	EXAMINER	
BINGHAM, MCCUTCHEN LLP THREE EMBARCADERO CENTER 18 FLOOR SAN FRANCISCO, CA 94111-4067			RAMPURIA, SATISH	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/872,590	SRIVASTAVA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 May 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 7/24/05
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

***Response to Amendment***

1. This action is in response to the amendment received on 05/23/2005.
2. The objection to specification due to hyperlinks is withdrawn in view of Applicant's amendment.
3. The informality to figs. 1, 3, 4 and 5 in view of replacement drawing sheets submitted by the Applicants.
4. The rejections under 35 U.S.C. §112 second paragraph to claim 6 is withdrawn in view of Applicant's amendment.
5. The rejection under 35 U.S.C. §101 to claims 1-19 is withdrawn in view of Applicant's amendment.
6. Claims amended by the Applicant: 1, 13 and 28.
7. Claims pending in the application: 1-32.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 12, 13, 14, 15, 18, 19, 22, 24-29, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,708,173 to Behr et al., (hereinafter called Behr).

**Per claim 1, 2, 5, 8, 9, 10, 12, 14, 18, and 19:**

- creating a meta-language grammar (col. 5, lines 3-4 “data transferred from the use over the internet in HTML format”);
- creating a trace grammar in which the trace grammar complies with rules of the meta-language grammar (col. 5, lines 4 “the internet in HTML format” and (col. 6, lines 35-36 “UTrace.exe provides the implementation the trace file on behalf of the application”);
- generating one or more traces compliant with the trace grammar (col. 6, lines 36-37 “UTrace... writes trace information to a common trace file”);
- parsing the one or more traces (col. 19, lines 58-60 “client builds up trace message using the CUTracer class”);
- identifying interrelationships within the one or more traces (col. 19, lines 61-63 “CUTracer class does formatting as determined by its properties, and then invokes one of the IUTrace interface methods”); and
- generating a new version of the one or more traces using a markup language syntax (col. 20, lines 11-24 “initiate... Utrace COM object...prepares the class generic formatting... trace data is stored... trace flags which are stored in a registry (version) value... corresponding registry key” also, fig. 18 and related discussion).

**Per claim 3:**

The rejection of claim 2 is incorporated, and further, Behr disclose:

- detecting a format conflict between the trace grammar and the second trace grammar (col. 6, lines 52- 56 “present invention separates the tracing process into tow processes... generally formatting all trace attributes in a common manner... consist of... items as PID, Thread ID and time stamp...”).

**Per claim 4:**

The rejection of claim 1 is incorporated, and further, Behr disclose:

- generating parsing rules based upon an analysis of the trace grammar (col. 19, lines 61-62 “CUTracer class does formatting as determined by its properties).

**Per claim 6:**

The rejection of claim 1 is incorporated, and further, Behr disclose:

- Storing results of parsing in one or more tables (Fig. 18 and related discussion).

**Per claim 11:**

The rejection of claim 9 is incorporated, and further, Behr disclose:

- Each of the at least tow nodes is represented as a keyword-UID combination (col. 6, lines 54-56 “formatting information consist of such items as PID, Thread ID...”).

**Per claim 13:**

- The semantic network representation language is selected from the group consisting of SnePs, SGML, XML and HTML (col. 5, lines 3-4 “data transferred from the user over the internet in HTML”).

**Per claim 15:**

- The semantic network is built using a semantic network builder system (col. 4, lines 66-67 “multiple component applications for access of a legacy data base management system via”).

*Claims 22 and 24-29* are the system claims corresponding to method claims 6 and 9-14 respectively, and rejected under the same rational set forth in connection with the rejection of claims 6 and 9-14 respectively, above.

*Claim 32* is the computer product claim corresponding to process claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Substantially as claimed.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Behr in view of US Patent No. 6,754,890 to Berry et al. (hereinafter called Berry).

**Per claim 7:**

Behr does not explicitly disclose the one or more tables comprises hash tables corresponding to keywords in the one or more traces.

However, Berry discloses in an analogous computer system the one or more tables comprises hash tables corresponding to keywords in the one or more traces (col. 10, lines 15-26 “In post-processing... trees and/or hash tables... to maintain names associated the records in the trace file... hash table employs hashing to convert an identifier or a key, meaningful to a user, into a value for the location of the corresponding data in the table”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method one or more tables comprises hash tables corresponding to keywords in the one or more traces as taught by Berry into the method of tracing the applications on the world wide web as taught by Behr. The modification would be obvious because of one of ordinary skill in the art would be motivated to have hash tables with corresponding keywords for traces to separately maintains profile or trace information for multiple, simultaneous profiling sessions as suggested by Berry (col. 2, lines 48-60).

12. Claim 16, 17, 20, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behr in view of US Patent No. 6,654,749 to Nashed (hereinafter called Nashed).

**Per claim 16:**

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The rejection of claim 8 is incorporated, and further, Behr does not explicitly disclose performing a search for the semantic network base upon a received query.

However, Nashed discloses in an analogous computer system performing a search for the semantic network base upon a received query (col. 3, lines 17-21 “server engine includes a query server containing a search processor which performs searching of the indexed database based on the search query entered and expansion words generated from the search query using semantic network expansion”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of performing a search for the semantic network base upon a received query as taught by Nashed into the method of tracing the applications on the world wide web as taught by Behr. The modification would be obvious because of one of ordinary skill in the art would be motivated use search engine to provide high quality and highly relevant information concerning a topic of interest identified by search query as suggested by Nashed (col. 2, lines 27-38).

**Per claim 17:**

The rejection of claim 16 is incorporated, and further, Behr disclose:

- Semantic network is utilized to identify hyperlinks to be embedded into new version of the one or more traces (col. 19, lines 12-15 “The response is then transferred...world wide web... HTML page is presented to the user on workstations”).

**Claim 20** is the system claim corresponding to process claims 1, 8, and 17 and rejected under the same rational set forth in connection with the rejection of claims 1, 8, and 17 above.

**Claims 30 and 31** are the system claims corresponding to process claim 16 and rejected under the same rational set forth in connection with the rejection of claim 16 above.

#### *Response to Arguments*

13. Applicant's arguments with respect to claims have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

- (i) Behr does not disclose, "creating a trace grammar in which the grammar complies with rules of the meta-language grammar" as claimed in claim 1.
- (ii) Berry lacks any information regarding "keyword in the one or more traces" as recited by claim 7.

Examiner's response:

- (i) In response to the Applicants argument regarding the limitation "creating... grammar". Behr does disclose this limitation, Behr's system disclose a dynamic tracing facility which permits the user to debug the application using Utrace.exe which writes traced information to a trace file (See summary). Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.
- (ii) In response to Applicants argument regarding the limitation "keyword... traces". Berry discloses a method of for monitoring execution performance of a program.

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More specifically, Berry's system keeps track of a program via tracing where each trace file contains a process identifier associated with trace file which is unique to each trace file (See summary). Applicant only makes general allegations and does not point out any errors in the rejection. Rather, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is proper and maintained herein.

### *Conclusion*

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tuan Q. Dam** can be reached on **(571) 272-3695**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria  
Patent Examiner/Software Engineer  
Art Unit 2191  
08/08/2005



ANIL KHATRI  
PRIMARY EXAMINER